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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,338	03/01/2002	John p. Ruckart	010417	4121

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EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/31/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/086,338

Applicant(s)

RUCKART, JOHN P.

Examiner

Lisa Hashem

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/10-3-2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-20 are pending in this office action.

#### *Information Disclosure Statement*

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the instant office action.

#### *Drawings*

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on March 1, 2002 have been objected. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US Patent No. 6,393,272 by Cannon et al, hereinafter Cannon.

Regarding claim 1, Cannon discloses a telecommunications device, comprising: a receiver for receiving an incoming call (Figure 1, 113); and a processor in communication with the receiver (Figure 1, 109), the processor having a call hold module or Answer & Hold input

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element (Figure 1, 121), the call hold module for placing the call on hold prior to the call being answered by a user of the telecommunications device (column 2, lines 12-29).

Regarding claim 2, the device of claim 1 mentioned above, wherein Cannon further discloses the device is selected from the group consisting of a wireless telephone and a wireline telephone (column 2, lines 12-19).

Regarding claim 3, the device of claim 1 mentioned above, wherein Cannon further discloses the receiver includes an RF transceiver unit (Figure 1, 113; column 2, lines 18-19).

Regarding claim 4, the device of claim 1 mentioned above, wherein Cannon further discloses the processor includes a digital signal processor (column 2, lines 17-18).

Regarding claim 5, the device of claim 1 mentioned above, wherein Cannon further discloses the processor includes a microcontroller (column 2, lines 17-18).

Regarding claim 6, Cannon discloses a method of inherently placing an incoming call to a telecommunications device from a calling party on hold prior to being answered by a called party, the method comprising: automatically answering the call; playing a message to the calling party; and connecting the called party to the calling party when the called party answers the call (column 2, lines 20-29).

Regarding claim 7, the method of claim 6 mentioned above, wherein Cannon further discloses determining whether the called party has enabled a hold function (column 2, lines 30-43).

Regarding claim 8, the method of claim 6 mentioned above, wherein Cannon further discloses determining whether the called party has pressed a button or Answer & Hold key on the telecommunications device to enable a hold function (column 2, lines 30-43).

Regarding claim 9, the method of claim 6 mentioned above, wherein Cannon further discloses alerting the called party of the incoming call (column 2, lines 33-35).

Regarding claim 10, the method of claim 6 mentioned above, wherein Cannon further discloses inherently connecting the calling party to a voicemail system when the called party does not answer the call within a predetermined time period (column 3, lines 46-51).

Regarding claim 11, the method of claim 6 mentioned above, wherein Cannon further discloses playing a message to the calling party includes playing a message that is resident on a services node of a telecommunications network (column 5, lines 14-52).

Regarding claim 12, the method of claim 6 mentioned above, wherein Cannon further discloses playing a message to the calling party includes playing a pre-recorded message stored in a memory device resident on the telecommunications device (column 2, lines 38-43; column 4, lines 11-14; column 4, lines 60-64).

Regarding claim 13, the method of claim 6 mentioned above, wherein Cannon further discloses connecting the call to a voicemail system when the called party presses a button on the telecommunications device (column 3, lines 34-45).

Regarding claim 14, Cannon discloses a telecommunications system, comprising: a services node; and a telecommunications device in communication with the services node, wherein the services node determines whether calls placed to the telecommunications device should be placed on hold prior to the calls being answered (column 5, lines 14-41).

Regarding claim 15, the system of claim 14 mentioned above, wherein Cannon further discloses the services node includes an enunciator (column 5, lines 16-22).

Regarding claim 16, the system of claim 15 mentioned above, wherein Cannon further discloses the enunciator is for playing a message to a calling party when a call is placed on hold (column 5, lines 45-48).

Regarding claims 17-20, please see the rejections of the method in claims 6-9 mentioned above, respectively, to reject the apparatus in claims 17-20.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application No. US 2002/0181671 by Logan discloses a cellular telephone handset that stores audio files previously recorded by the user and selectively transmits a file to a remote listener at a time when it is inappropriate for the handset user to speak, such as when an incoming call arrives when the user is in a meeting

7. Any response to this action should be mailed to:

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**Or call:**

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Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LA

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March 23, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

